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10/663,956	09/16/2003	Justin E. York	200304257-2	3851

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EXAMINER

ZHEN, WEI Y

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/663,956	YORK ET AL.
Examiner	Art Unit	
Wei Y Zhen	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6,30-38 and 42-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6,30-38 and 42-45 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/16/2003.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

1. This action is in response to the application filed on 9/16/2003.
2. Claims 1-6, 30-38 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgendale et al, U.S. Patent No. 5,774,720 in view of “Java 2 Platform, Standard Edition, v1.2.2 API Specification; Class window” (“Java 2 Platform”), Art of record.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 30-34, 35-38 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgendale et al, U.S. Patent No. 5,774,720 (Art of Record) in view of “Java 2 Platform, Standard Edition, v1.2.2 API Specification; Class window” (“Java 2 Platform”), Art of record.

As per claim 1, Borgendale et al disclose that **creating a first window in a native application, sending a command for a second window to the first window, passing the command from the first window to the second window through a native interface (abstract, “...The graphics management system includes a common graphical user interface (GUI) which**

receives graphics related application programming interface (API) calls from the application programs, and transforms the various types of graphics API calls native to a particular GUI, into a generic format compatible with a personality neutral graphics engine. The personality neutral calls are then passed from the CGUI to the personality neutral graphics engine which services the calls, and controls the drawing of lines, circles and other drawing tasks for each of the windows presented on the display...” and Col. 5 lines 55 to 64; Note that first window is interpreted as windowing API function calls and the second window is interpreted as the windows controlled by the personality neutral graphics engines, and the native interface is the CGU).

Borgendale et al doesn't explicitly disclose the second window is a **Java window**.

However, “Java 2 Platform” discloses a Java window (p. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of “Java 2 Platform” into the system of Borgendale et al to have the second window to be a Java window because it provides an efficient method to adapt the teaching of Borgendale into various systems with various types of window, including Java window to meet the various needs of the systems. Doing so facilitating the passing of various types of commands native to a particular system to a Java window.

As per claim 2, the examiner takes Official Notice that message handler was well known in the art at the time the invention was made.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention incorporate the teaching of well known knowledge into the teaching of Borgendale

et al and “Java 2 Platform” to call a message function with a handle of the first window because it provides an efficient method to identify the appropriate message handler to be used for the passing of the message.

As per claim 3, the rejection of claim 1 is incorporated and further Borgendale discloses executing the command by a second window (abstract).

Borgendale doesn’t explicitly disclose a Java window.

However, “Java 2 Platform” discloses a Java window (p. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of “Java 2 Platform” into the system of Borgendale et al to have the second window to be a Java window because it provides an efficient method to adapt the teaching of Borgendale into various systems with various types of window, including Java window. Doing so facilitating the passing of various types of commands native to a particular system to a Java window.

As per claim 4, Borgendale et al disclose executing the command by the first window (abstract).

As per claim 5, Borgendale does not explicitly disclose the commands is a command to close the Java window.

However, “Java 2 Platform” disclose command to close a Java window (p. 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of “Java 2 Platform” into the system of

Borgendale et al to have the commands to be a command to close the Java window because it provides an efficient method to control the windows to meet various types of needs of the system. Doing so facilitating the passing of various types of commands native to a particular system to a Java window.

As per claim 6, Official Notice is taken that fetching a handle of a message dialog was well known in the art at the same time the invention was made.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of the well known knowledge into the teaching of Borgendale et al and “Java 2 Platform” to fetch a handle of the Java window because it provides an efficient method to identify the appropriate message handler to be used for the passing of the message.

Claims 30-33 are rejected for the reason set forth in the rejections of claims 1-4 respectively.

As per claim 34, the rejection of claim 30 is incorporated and further it is well known in the art at the same time the invention was made that a graphical user interface contains various dialogs /windows.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of the well known knowledge into the teaching of Borgendale et al and “Java 2 Platform” to have a video display having a graphical user interface to contain the Java window and the first window because it provides an user friendly interface to the end user and facilitates the interface between the end user and the system.

Claims 35-38 are rejected for the reason set forth in the rejections of claims 1-4 respectively.

As per claims 43-45, Borgendale doesn't explicitly disclose the first window is an invisible window.

However, "Java 2 Platform" disclose an invisible window (p. 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of "Java 2 Platform" into the system of Borgendale et al to have the first window to be an invisible window because it provides an efficient method to adapt the teaching of Borgendale into various systems with various types of window, including an invisible window to meet the various needs of the systems. Doing so facilitating the passing of various types of commands native to a particular system to a Java window.

Response to Arguments

4. Applicant's arguments have been considered but they are not persuasive.

In the remarks, the applicant argues that

I) The Examiner's rejection of independent claims 1, 30, and 35 fails for at least two reasons. First, the Borgendale and Java 2 Platform references fail to include all of the elements recited within the claims. For instance, the references fail to disclose or teach "sending a command for a JAVA window to the first window" and "passing the command from the first window to the JAVA window through a native interface" as recited in claims 1 and 30. Also, the references fail to disclose or teach "code to send a command for a JAVA window to the first

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window" and "code to pass the command from the first window to the JAVA window through a native interface connection" as recited in claim 35. Secondly, the Borgendale reference and the Java 2 Platform reference do not provide or support the combination suggested by the Examiner. The windowing API function calls are not windows, but commands that comply with a specific format.

Examiner's response:

I) The combination of Borgendale and Java 2 Platform clearly disclose the claimed limitations in claims 1, 30 and 35 (see rejections to claim 1 above).
With regarding to the commands that is only complied with specific format. The commands for a Java window is also commands that is only complied with a specific format (Java window).

Applicant has argued:

II) Nothing in "Java 2 platform" discloses sending a Java command to a Java window from a first window through a native interface. The Examiner has impermissibly relied on hindsight by using the teaching of the applicants to find the suggestion to combined the alleged teachings of Borgendale et al and JAVA 2 platform reference.

Examiner's response:

II) "Java 2 platform" is cited only to disclose Java window and Java command are well known. Borgendale discloses sending command to a window from a first window through a native interface. The office action disclose why it would have been obvious to combine

Borgendale and Java 2 platform. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In addition, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one having ordinary skill in the art would want to adapt the teaching of Borgendale into various systems with various types of window, including Java window. Doing so facilitating the passing of various types of commands native to a particular system to a Java window.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (571) 272-3708. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
3/17/2005

W. Y. Z.
WEI Y. ZHEN
PRIMARY EXAMINER